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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,839	04/02/2001	Masao Tsuruta	Q60559	8477

7590 02/12/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER	
DEXTER, CLARK F	
ART UNIT	**PAPER NUMBER**
3724	16

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)
09/822,839	Tsuruta
Examiner	**Art Unit**
Clark F. Dexter	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED *Jan 27, 2004* FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see NOTE below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other:

CLARK F. DEXTER
PRIMARY EXAMINER
ART UNIT 3724

ATTACHMENT TO ADVISORY ACTION (Paper No. 16)

Response to Arguments

1. Applicant's arguments filed January 27, 2004 have been fully considered but they are not persuasive.

Regarding applicant's arguments in the last full paragraph on page 2, the paragraph bridging pages 2-3, and the first three paragraphs on page 3 of the response, the Examiner respectfully disagrees with applicant's argument. First, the Examiner's position is that it is old and well known in the art to provide a turning device for rotating the stack, and that there are many known reasons to provide such a device. That is, there are many known reasons why one having ordinary skill in the art would want the stack to be in a particular orientation. As one example, the Examiner has discussed the situation wherein the stack needs to be rotated to provide a specific orientation so that markings, etc. are aligned as desired. This is not and was never intended to be cited as an explicit teaching of the applied prior art. Rather, this reason was offered as merely one of the many known examples of why stacks are manipulated as they are moved through a manufacturing or material-handling operation. Certainly those skilled in the art have the knowledge of the existence of such turning devices, and when faced with the ordinary problem in material-handling arts of providing a stack of work pieces in a desired orientation (e.g., due to markings thereon, or merely for providing a particularly side of the stack in a desired orientation), would be able to solve this problem by merely providing a known turning device. It

is noted that such a turning device could be provided in various locations in the process including between features C and O, or before feature O. Applicant is reminded that obviousness is based on teachings of the prior art taken as a whole, and is not limited only to the explicit teachings of the applied references.

Regarding applicant's remarks in the paragraph bridging pages 3-4 and the middle paragraph on page 4 of the response, the Examiner's position is that the prior art, specifically Monsees, clearly discloses at least equivalents of all of the recited structure except for the means for turning as stated in the prior art rejection. More specifically, Monsees discloses a means (e.g., O) for supplying stacked sheets; means (e.g., 10) for vertically inverting the stacked sheets; means (e.g., including P) for discharging the stacked sheets; and means (e.g., C) for transferring the stacked sheets. These features disclosed by Monsees perform the recited function corresponding to each "means" clause, and thus are considered to be at least equivalent structure to that which is disclosed in the present application.

Regarding applicant's remarks in the last paragraph on page 4 and the first paragraph on page 5, it is respectfully submitted that applicant's arguments are not understood. As set forth in the preamble of claim 1, the invention is clearly directed to an apparatus **for** manufacturing sheets by stacking and feeding the sheets. That is, the apparatus is being claimed, and the sheets are clearly an intended use for which the apparatus is used. Further, as described and shown in the original disclosure, the sheets are clearly not part of the apparatus. Thus, the sheets cannot be considered to be distinguishing with respect to the claimed apparatus over the prior art.

Additionally, because it is not clear how the recitation of the sheets, particularly the specific structure of the sheets such as that set forth in claim 4, further defines the structure of the apparatus (of which the sheets are not included), the limitations of claim 4 cannot be considered to be distinguishing with respect to the claimed invention (i.e., the apparatus) over the prior art.

It is respectfully submitted that, for at least the reasons described above, the rejections must be maintained.

cfd
February 11, 2004